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Richard John Tippet and Clarissa Ellen Steffen

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

In re

Richard John Tippet  
and Clarissa Ellen Steffen,

Debtors.

Case No: 2011-32452

DC NO.: RAH-001

**DEBTORS' MOTION FOR  
ORDER FOR ABANDONMENT**

DATE: July 11, 2011

TIME: 10:00 am

PLACE: U.S. Bankruptcy Court  
Courtroom 28  
501 I Street, 7<sup>th</sup> Floor  
Sacramento, CA

JUDGE: Michael McManus

Debtors, Richard John Tippet and Clarissa Ellen Steffen, through their attorneys of record, Richard A. Hall, of BottomLine Lawyers, hereby move this Court for an order for abandonment of the bankruptcy estate's interest in Richard John Tippet and Clarissa Ellen Steffen in Ms. Steffen's psychotherapy practice.

This motion is based on the facts which follow. The debtors filed a Chapter 7 petition in bankruptcy on May 18, 2011. Among the assets are debtors' business, the psychotherapy practice of Dr. Clare E. Steffen; and they also scheduled an interest in

1 the equipment used in the business on Schedule B, Lines 13, 16, 23 and 28. The  
2 debtors have no equity in the business, and valued the equipment at an amount which  
3 is exempted on Schedule C.

4 The trustee has not indicated that Richard John Tippet and Clarissa Ellen  
5 Steffen dba Dr. Clare E. Steffen are a target of any liquidation efforts on the part of the  
6 Bankruptcy Estate. The trustee has not challenged the debtors' assertion of value or  
7 debts regarding Richard John Tippet and Clarissa Ellen Steffen dba Dr. Clare E.  
8 Steffen.  
9 Steffen.

10 I hereby certify that I have read the foregoing motion for order for abandonment  
11 of the bankruptcy estate's interest in Richard John Tippet and Clarissa Ellen Steffen  
12 dba Dr. Clare E. Steffen and further certify that the contents therein are true and correct  
13 to the best of my knowledge and belief. I declare under penalty of perjury under the  
14 laws of the United States that the foregoing is true and correct. Executed this 1<sup>st</sup> day of  
15 June 2011, at Auburn, California.

16 /s/ RICHARD A. HALL  
17 RICHARD A. HALL

18 **MEMORANDUM OF POINTS AND AUTHORITIES**

19 **ARGUMENT**

20  
21 **BOTH RICHARD JOHN TIPPETT AND CLARISSA ELLEN**  
22 **STEFFEN DBA DR. CLARE E. STEFFEN ARE OF**  
23 **INCONSEQUENTIAL VALUE TO THE BANKRUPTCY**  
**ESTATE.**

24 Property may be abandoned from the bankruptcy estate in one of three ways:  
25 upon notice by the case trustee, 11 U.S.C. § 554(a), upon motion by a party in interest  
26 and order, 11 U.S.C. § 554(b), or upon closing. 11 U.S.C. § 554(c). Property may be  
27  
28

1 abandoned only if it is (1) burdensome to the bankruptcy estate or (2) of inconsequential  
2 value to the bankruptcy estate. 11 U.S.C. § 554(a).

3 The debtors assert that the psychotherapy practice of Clarissa Ellen Steffen dba  
4 Dr. Clare E. Steffen is of inconsequential value to the bankruptcy estate, as is  
5 evidenced by the chapter 7 bankruptcy filing. See “Declarations of Richard John Tippet  
6 and Clarissa Ellen Steffen” filed herewith and motion Exhibit 1, titled “Schedule B-  
7 Personal Property,” and motion Exhibit 2, titled Schedule C-Property Exemption.  
8 Because the property is of inconsequential value to the bankruptcy estate, therefore, the  
9 property may be abandoned from the bankruptcy estate.  
10  
11

12 Additionally, the Court need not consider speculative factors when determining  
13 whether abandonment is appropriate under Section 554(b) of the Bankruptcy Code. Vu  
14 v. Kendall (In re Vu), 245 B.R. 644, 649 (B.A.P. 9th Cir. 2000). The Bankruptcy Court  
15 cannot be expected to deny the debtors’ request for abandonment on the basis of a  
16 speculative scenario which may or may not occur in the future. Vu v. Kendall (In re Vu),  
17 245 B.R. 644, 649 (B.A.P. 9th Cir. 2000).  
18

### 19 CONCLUSION

20 Based on the facts and authorities stated above, the debtors respectfully request  
21 this Court enter an order for abandonment of the bankruptcy estate’s interest in the  
22 psychotherapy practice of Clarissa Ellen Steffen dba Dr. Clare E. Steffen.  
23

24 DATED: June 1, 2011.

### 25 BOTTOMLINE LAWYERS

26 By: /s/ Richard A. Hall  
27 RICHARD A. HALL, Attorneys for Debtors  
28 Richard John Tippet and  
Clarissa Ellen Steffen